

AMENDED IN ASSEMBLY JUNE 28, 2004

SENATE BILL

No. 1812

Introduced by Senator Vincent

February 20, 2004

An act to amend Section 19930 of the Business and Professions Code, relating to gambling.

LEGISLATIVE COUNSEL'S DIGEST

SB 1812, as amended, Vincent. Gambling control.

The Gambling Control Act provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the enforcement of those activities by the Division of Gambling Control. Existing law confers on the division the responsibility of investigating violations of gambling laws and regulations and, if appropriate, recommending suspension or revocation of a license, permit, finding of suitability, or approval, to the commission.

This bill would authorize an administrative law judge, in cases in which that judge recommends that the commission revoke, suspend, or deny a gaming license, to order the licensee or applicant for a license to pay the division the reasonable costs of the investigation and ~~adjudication~~ *prosecution* of the case, as specified. The bill would also make related changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 19930 of the Business and Professions Code is amended to read:

19930. (a) The division shall make appropriate investigations as follows:

(1) Determine whether there has been any violation of this chapter or any regulations adopted thereunder.

(2) Determine any facts, conditions, practices, or matters that it may deem necessary or proper to aid in the enforcement of this chapter or any regulation adopted thereunder.

(3) To aid in adopting regulations.

(4) To secure information as a basis for recommending legislation relating to this chapter.

(b) If, after any investigation, the division is satisfied that a license, permit, finding of suitability, or approval should be suspended or revoked, it shall file an accusation with the commission in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) In addition to any action that the commission may take against a license, permit, finding of suitability, or approval, the commission may also require the payment of fines or penalties. However, no fine imposed shall exceed twenty thousand dollars (\$20,000) for each separate violation of any provision of this chapter or any regulation adopted thereunder.

(d) In any case in which the administrative law judge recommends that the commission revoke, suspend, or deny a license, the administrative law judge may, upon presentation of suitable proof, order the licensee or applicant for a license to pay the division the reasonable costs of the investigation and ~~adjudication~~ prosecution of the case.

(1) The costs assessed pursuant to this subdivision shall be fixed by the administrative law judge and may not be increased by the commission. When the commission does not adopt a proposed decision and remands the case to the administrative law judge, the administrative law judge may not increase the amount of any costs assessed in the proposed decision.

(2) The division may enforce the order for payment in the superior court in the county in which the administrative hearing

1 was held. The right of enforcement shall be in addition to any other
2 rights that the division may have as to any licensee directed to pay
3 costs.

4 (3) In any judicial action for the recovery of costs, proof of the
5 commission's decision shall be conclusive proof of the validity of
6 the order of payment and the terms for payment.

7 (e) Notwithstanding any other provision of law, all costs
8 recovered under this section shall be deposited in the fines and
9 penalties account, a special account described in subdivision (a) of
10 Section 19950.

11 (f) For purposes of this section, "costs" include costs incurred
12 for any of the following:

13 (1) The investigation of the case by the division.

14 (2) The preparation and ~~presentation~~ *prosecution* of the case by
15 the Office of the Attorney General.

16 ~~(3) The hearing of the case and the issuance of a proposed~~
17 ~~decision by the Office of Administrative Hearings.~~